



# Ohio Legislative Service Commission

## Bill Analysis

Bethany Boyd

### H.B. 509

129th General Assembly  
(As Introduced)

Rep. Blair

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## BILL SUMMARY

### Subdivision spending

- Increases the competitive bidding thresholds for cities, villages, specified boards, and sanitary districts.
- Requires the effective period of a county quarterly spending plan for a county office to expire the earlier of two fiscal years or until the elected official administering the office is no longer the administrator.

### Local boards of health

- Clarifies that local boards of health may contract with each other for the provision of either some or all public health services, rather than only for all services.
- Specifies that the effectiveness of a contract in which one local board of health agrees to provide some, but not all, public health services on behalf of another local board of health is not dependent on the Director of Health's approval.
- Specifies that local boards of health are bodies corporate and politic and have all rights and responsibilities inherent with this designation.
- Requires a board of county commissioners to provide office space and utilities to the county's general health district board of health through FY 2013.
- Requires the board of county commissioners to pay in FY 2014 through FY 2017 specified decreasing proportions of the estimated costs of office space and utilities, with no obligation to provide or pay for office space and utilities after FY 2017.

- Relieves the board of county commissioners of its obligation to provide office space and utilities if the board of health rents, leases, lease-purchases, or acquires office space on its own.
- Permits a board of county commissioners, in FY 2018 and thereafter, to provide office space and utilities to the general health district board of health, by contract.
- Authorizes the board of county commissioners, at any time, to provide office space and utilities for the board of health free of charge.

### **General health districts**

- Exempts a general health district from certain requirements governing the submission of an appropriation measure and revenue estimate for a fiscal year if the district will not receive an appropriation for that fiscal year from the municipal corporations or townships that comprise the district.
- Provides that, for the purpose of calculating the amount to be appropriated to a general health district, the district's revenue for an upcoming year includes any surplus money in the District Health Fund that may be carried forward to that year to fund ongoing operations.

### **Joint county departments of job and family services**

- Makes a pilot project permanent and expands to all counties, not just Hocking, Ross, and Vinton counties, the authority for the boards of county commissioners of any two or more counties to enter into a written agreement to form a joint county department of job and family services.

### **County officers and employees**

- Eliminates a provision prohibiting boards of county commissioners from contracting for or purchasing group health insurance, coverage, or benefits once the Department of Administrative Services implements for counties best practices health care insurance plans that include or address those benefits.
- Authorizes a county auditor, if authorized by a resolution of the board of county commissioners, to serve as the fiscal officer of any department, office, or agency of the county.
- Authorizes the county sealer to share the services of a weights and measures inspector with another county sealer, so long as the inspector remains a part-time employee of each county by whom the inspector is employed.

- Authorizes the county sealer, in lieu of appointing or sharing a weights and measures inspector, to enter into an employment contract with a private person to perform the same services that an appointed inspector would perform.

### Other provisions

- Requires a municipal corporation, county, township, or school district under a fiscal watch or fiscal emergency to identify in its financial plan the actions to be taken to enter into shared services agreements with other political subdivisions, if they are so authorized by statute.
- Requires the arresting authorities or a court, upon the request of the prosecutor or victim, to cause a defendant charged with specified sexual offenses to undergo an existing procedure testing for sexually transmitted diseases within 48 hours after the date on which the complaint, information, or indictment in the case is filed.
- Specifies the source of data that identifies the number of indigent residents in a county and that is to be used for allocating financial assistance to legal aid societies from the Ohio Legal Aid Fund.
- Permits the legislative body of any county, district, district activity, or institution to engage in cost allocation for all required Workers' Compensation Program payments to the Public Insurance Fund.

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## CONTENT AND OPERATION

### Increased competitive bidding thresholds

The bill increases the competitive bidding thresholds for statutory cities and villages from \$25,000 or \$30,000 to \$50,000.<sup>1</sup> The bill also increases from \$10,000 to \$50,000, the competitive bidding threshold for a board of hospital trustees of a municipal hospital having control of donated property or funds.<sup>2</sup> Similarly, the bill increases from \$10,000 to \$50,000, the competitive bidding threshold for a joint board having management control over (1) a workhouse erected for the joint use of a city and a county or (2) real estate held for the purpose of erecting and maintaining a workhouse thereon.<sup>3</sup> The bill also increases from \$25,000 to \$50,000, the threshold for a board of park commissioners having control of parks and park facilities to contract for the performance of any work, the cost of which exceeds that amount, and changes the threshold from \$10,000 to \$50,000 for any contract for work or supplies.<sup>4</sup> Lastly, the bill increases the bidding thresholds for sanitary districts, from \$10,000 to \$50,000.<sup>5</sup> Costs or contracts in amounts that meet or are below the thresholds do not require competitive bidding; costs or contracts in amounts that exceed the threshold must meet continuing statutory requirements for competitive bidding.

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<sup>1</sup> R.C. 723.52, 723.53, 731.141, 735.05, and 737.03.

<sup>2</sup> R.C. 749.26, 749.28, and 749.31.

<sup>3</sup> R.C. 753.15.

<sup>4</sup> R.C. 755.29 and 755.30.

<sup>5</sup> R.C. 6115.20.

## **Effective period of quarterly county spending plans**

Under continuing law, a board of county commissioners may adopt a quarterly spending plan setting forth a quarterly schedule of expenditures for any county office, department, or division that, during the previous fiscal year, spent 110% or more of the total amount appropriated for personal services. Current law requires this plan or amended plan to remain in effect for two fiscal years or, if later, until the county officer of the office for which the plan was adopted is no longer in office, including terms of office to which the county officer is re-elected.

The bill limits the effective period of a spending plan to no longer than two fiscal years, but the plan would expire in any of those fiscal years in which the particular elected official who administered the office at the time the office became subject to the plan is no longer administering that office.<sup>6</sup>

## **Local boards of health**

### **Inter-board contracts to perform services**

The bill clarifies that local boards of health may contract with each other for the provision of either some or all public health services, rather than only for all services, as has been interpreted by some under current law.<sup>7</sup> The contracts must be approved as follows:

(1) If the contract is with a city constituting a city health district, the chief executive of that city, with the majority of the members of the legislative authority of that city, must approve the contract. This is not a change from current law.

(2) If the contract is with the board of health of a general health district (which is all areas of a county that are not city health districts), the chairperson of the district advisory council of the general health district, with the majority of the members of the district advisory council, must approve the contract. This is not a change from current law.

(3) If the contract is with an authority having the duties of a board of health under a city charter, the majority of the members of the authority's governing body must approve the contract. Current law does not address this situation.

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<sup>6</sup> R.C. 5705.392.

<sup>7</sup> Telephone interview with representatives of the Association of Ohio Health Commissioners (Feb. 23, 2012).

The bill also specifies that a contract in which one local board of health agrees to provide some, but not all, public health services on behalf of another local board of health is effective immediately and is not dependent on the Director of Health's approval. Under current law, the Department of Health must first determine that the health department or local board of health is organized and equipped to provide "adequate health service." The bill does not alter this requirement for contracts in which one local board of health agrees to provide all public health services on behalf of another local board of health, except that the Director of Health, not the Department, determines whether the board of health is organized and equipped to provide services.

The bill repeals a law regarding contracts of general health districts because those contractual requirements are addressed by the changes made by the bill.<sup>8</sup>

### **Boards as bodies corporate and politic**

The bill specifies that a local board of health is, for the purpose of providing public health services, a "body politic and corporate." As such, it is capable of suing and being sued; contracting and being contracted with; acquiring, holding, possessing, and disposing of real and personal property; and taking and holding in trust for the use and benefit of the relevant city or general health district or authority any grant or devise of land and any domain or bequest of money or other personal property.<sup>9</sup> In 1989, the Ohio Attorney General issued an opinion consistent with this provision.<sup>10</sup>

### **Office space and utilities**

#### **County responsibility for office space and utilities**

The bill requires a board of county commissioners to provide office space and utilities through fiscal year 2013 for the board of health having jurisdiction over the county's general health district.<sup>11</sup> Current law provides that a board of county commissioners, as well as the legislative authority of a city, "may" furnish suitable quarters for any board of health or health department having jurisdiction over all or a major part of the county or city. The Attorney General has advised that a board of

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<sup>8</sup> R.C. 3709.08; repeal of R.C. 3709.081.

<sup>9</sup> R.C. 3709.36.

<sup>10</sup> See 1989 Op. Att'y Gen. No. 89-032.

<sup>11</sup> R.C. 3709.34.

county commissioners, but not a city, *is required* to provide and pay for "office space and utilities" under this law.<sup>12</sup>

After fiscal year 2013, the bill requires the board to make decreasing payments for office space and utilities for the board of health, based upon a written estimate of their total cost, until fiscal year 2018, at which time the board no longer has the duty to provide or pay for the board of health's office space and utilities.

### **Estimate of total cost**

The bill requires the board of county commissioners, not later than September 30 of 2012, 2013, 2014, and 2015 to make a written estimate of the total cost for the ensuing fiscal years 2014, 2015, 2016, and 2017, respectively, to provide office space and utilities to the board of health of the county's general health district. The estimate of total cost must include all of the following:

- The total square feet of space to be used by the board of health.
- The total square feet of any common areas that should be reasonably allocated to the board of health, and the method for making this allocation.
- The actual cost per square foot for both the space used by and the common areas allocated to the board of health.
- An explanation of the method used to determine the actual cost per square foot.
- The estimated cost of providing utilities, including an explanation of how this cost was determined.
- Any other estimated costs the board of county commissioners anticipates will be incurred to provide office space and utilities to the board of health, including a detailed explanation of those costs and the rationale used to determine them.

The board of county commissioners must forward a copy of the estimate of total cost to the director of the board of health not later October 5 of 2012, 2013, 2014, and 2015. The director must review the estimate and, not later than 20 days after its receipt,

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<sup>12</sup> See 1996 Op. Att'y Gen. No. 96-016, 1989 Op. Att'y Gen. No. 89-038, 1986 Op. Att'y Gen. No. 86-037, 1985 Op. Att'y Gen. No. 85-003, and 1980 Op. Att'y Gen. No. 80-086.

notify the board of county commissioners that the director agrees with or objects to the estimate, giving specific reasons for any objections.

If the director agrees with the estimate, it becomes the final estimate of total cost. Failure of the director to make objections to the estimate by the 20th day after its receipt is deemed to mean that the director is in agreement with the estimate.

If the director timely objects to the estimate and provides specific objections to the board of county commissioners, the board must review the objections and may modify the original estimate, and within ten days after receipt of the objections, send a revised estimate of total cost to the director. The director must respond to a revised estimate within ten days after receiving it. If the director agrees with the estimate, the revised estimate becomes the final estimate of total cost. If the director fails to respond within the ten-day period, the director is deemed to have agreed with the revised estimate. If the director disagrees with the revised estimate, the director must send specific objections to the board of county commissioners within the ten-day period.

If the director timely objected to the original estimate or sends specific objections to a revised estimate within the required time, or if there is no revised estimate, the probate judge of the county must determine the final estimate of total cost and certify this amount to the director and the board of county commissioners before January 1 of 2013, 2014, 2015, or 2016, as applicable.<sup>13</sup>

#### **Payment schedule**

Under the bill, a board of county commissioners must pay for the board of health's office space and utilities until fiscal year 2018, based on the following percentages of the final estimate of total cost:

- (1) 80% for fiscal year 2014;
- (2) 60% for fiscal year 2015;
- (3) 40% for fiscal year 2016;
- (4) 20% for fiscal year 2017.

In fiscal years 2014, 2015, 2016, and 2017, the board of health is responsible for the payment of the remainder of any costs incurred in excess of the amount payable under (1) through (4), above, as applicable, for its office space and utilities, including

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<sup>13</sup> R.C. 3709.34(B)(2).

any unanticipated or unexpected increases in costs beyond the final estimate of total cost.

Beginning in fiscal year 2018, the board of county commissioners has no obligation to make payments for, or provide, office space and utilities for the board of health.<sup>14</sup>

#### **Other methods to obtain office space and utilities**

After fiscal year 2017, the board of county commissioners and the board of health of the county's general health district may enter into a contract for the board of county commissioners to provide office space for the use of the board of health and to provide utilities for that office space. The term of the contract cannot exceed four years and may be renewed for additional periods not to exceed four years.

Notwithstanding the bill's requirements and payment schedule, in any fiscal year the board of county commissioners, in its discretion, may provide office space and utilities for the board of health free of charge.<sup>15</sup>

#### **Board of health obtains own office space**

If at any time the board of health rents, leases, lease-purchases, or otherwise acquires office space to facilitate the performance of its functions, or constructs, enlarges, renovates, or otherwise modifies buildings or other structures to provide office space to facilitate the performance of its functions, the board of county commissioners of the county served by the general health district has no further obligation to provide office space or utilities, or to make payments for office space or utilities, for the board of health, unless the board of county commissioners enters into a contract with the board of health to provide office space for the use of the board of health and to provide utilities for that office space, or exercises its option to provide office space and utilities to the board of health free of charge.<sup>16</sup>

### **General health district appropriation measures**

#### **Appropriation measure and revenue estimate requirements**

Current law requires a general health district, for the ensuing fiscal year, to adopt an itemized appropriation measure that shows the amounts the district wishes to appropriate for expenses and a revenue estimate listing the district's expected sources of

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<sup>14</sup> R.C. 3709.34(B)(3).

<sup>15</sup> R.C. 3709.34(B)(4) and (5).

<sup>16</sup> R.C. 3709.34(B)(6).

revenue for that year, including amounts the district expects to receive from the state, or to collect in fees. The bill provides an exception to this requirement for general health districts that will not receive appropriations from the subdivisions that comprise the district for the upcoming year. Under the bill, such districts may alternatively adopt an appropriation measure for the ensuing fiscal year similar to that required for other political subdivisions. The bill additionally specifies that the revenue estimate must include any amounts that the district will receive from taxes levied on its behalf.<sup>17</sup>

### **Appropriation procedures**

A general health district must certify its appropriation measure and revenue estimate to the county auditor, who submits the information to the county budget commission. The commission reviews the information and fixes an aggregate appropriation amount for the district. The district's expected revenue and any estimated balance carried forward from the previous appropriation is then subtracted from the aggregate appropriation amount. The resulting amount (the net appropriation needed by the district for the upcoming year) is apportioned among the municipal corporations and townships that comprise the district according to the proportion of the subdivision's taxable property located in the district. The bill modifies the calculation of a district's net appropriation to instead require that the aggregate appropriation amount be subtracted by the district's expected revenue and any surplus money in the District Health Fund that will be carried forward to fund ongoing operations in the upcoming year.<sup>18</sup>

### **Appropriation measure alternative**

Under the bill, if a general health district will not receive appropriations from the municipal corporations or townships that comprise the district in an upcoming year, the district may choose to submit an appropriation measure as required under current law or, alternatively, to comply with other state law governing the submission of appropriation measures by subdivisions. If the district chooses the latter, the district must submit an appropriation measure that shows the amount to be appropriated to each office, department, or division within the district and, within those appropriations, the amount dedicated to personal services. The total amount appropriated under the measure cannot exceed the amount of estimated revenue certified for the district for the upcoming year by the county budget commission.<sup>19</sup>

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<sup>17</sup> R.C. 3709.28(A) and (B).

<sup>18</sup> R.C. 3709.28(C).

<sup>19</sup> R.C. 3709.28(A) and 5705.38, 5705.39, and 5705.40, not in the bill.

## **Revenue**

Current law requires all of a general health district's revenue to be deposited into a District Health Fund. The bill modifies this requirement to clarify that all revenue must be so deposited unless a statute or rule requires otherwise. The bill also specifies that all revenue in the District Health Fund must be used and maintained in accordance with the purpose for which the revenue was received.<sup>20</sup>

## **Joint county departments of job and family services**

### **Authority to form a joint department**

Currently, the boards of county commissioners of Hocking, Ross, and Vinton counties, by entering into a written agreement, may form a county department of job and family services (CDJFS) as a joint CDJFS. The formation of this joint CDJFS is a pilot project, without a specified ending date, as authorized under Sub. H.B. 225 of the 129th General Assembly.

The bill expands the authority to establish a joint CDJFS beyond the counties of Hocking, Ross, and Vinton and eliminates the qualification that the formation of a joint CDJFS is a pilot project. Under the bill, any two or more counties are permitted to form a joint CDJFS.<sup>21</sup>

The procedures for forming and operating a joint CDJFS under the bill are the same as H.B. 225's procedures for the pilot project authorized in Hocking, Ross, and Vinton counties. These procedures are in continuing law and are described in detail below.

### **Agreement by boards of county commissioners**

The bill permits the boards of county commissioners of any two or more counties, by entering into an agreement, to form a joint CDJFS to perform the duties, provide the services, and operate the programs required of a single CDJFS. The agreement must be ratified by resolution of the board of county commissioners of each county that entered into the agreement.

Each board of county commissioners that enters into an agreement to form a joint CDJFS must give notice of the agreement to the Ohio Department of Job and Family Services (ODJFS) at least 90 days before the agreement's effective date. The agreement takes effect not earlier than the first day of the calendar quarter following the 90-day

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<sup>20</sup> R.C. 3709.28(C).

<sup>21</sup> R.C. 329.40.

notice period. The ODJFS Director is required to adopt, as an internal management rule under the abbreviated rulemaking procedure, the form in which the notice must be given.<sup>22</sup>

### **Components of the agreement**

An agreement to establish a joint CDJFS must specify all of the following:

- The obligations of each board of county commissioners in operating the joint CDJFS, including requiring each board to provide state, federal, and county funds to the operation of the joint CDJFS, and the schedule for providing those funds;
- How and which facilities, equipment, and personnel will be shared;
- Procedures for the division of resources and obligations if one or more counties withdraw from the joint CDJFS or if the CDJFS ceases to exist;
- Any contributions of participating counties establishing the joint CDJFS and the rights of those counties in lands or personal property, or rights or interests therein, contributed to or otherwise acquired by the joint CDJFS.<sup>23</sup>

The agreement also may set forth any or all of the following:

- Quality, timeliness, and other standards to be met by each county;
- Which family service programs and functions are to be included in the joint CDJFS;
- Procedures for the operation of the board of directors (described below), including procedures governing the frequency of meetings and the number of members of the board required to constitute a quorum to take action;
- Any other procedures or standards necessary for the joint CDJFS to perform its duties and operate efficiently.<sup>24</sup>

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<sup>22</sup> R.C. 329.01, 329.40(A), and 5101.01.

<sup>23</sup> R.C. 329.40(B)(1).

<sup>24</sup> R.C. 329.40(B)(2).

## Board of directors

The boards of county commissioners of the counties forming a joint CDJFS constitute, collectively, the board of directors of the joint CDJFS. On the effective date of the agreement, the board of directors takes control of and manages the joint CDJFS subject to all laws that govern the authority and responsibilities of a single board of county commissioners in the operation of a single CDJFS. Costs incurred in operating the joint CDJFS must be paid from a joint general fund created by the board of directors, except as may be otherwise provided in the agreement.<sup>25</sup>

The board of directors, by a majority vote, may amend the agreement, but no amendment may divest a participating county of any right or interest in lands or personal property without its consent. The board of directors of the joint CDJFS must appoint and fix the compensation of a director of the joint CDJFS. The director serves at the pleasure of the board of directors. Under the direction and control of the board, the director has full charge of the joint CDJFS as set forth in continuing law for the director of a single CDJFS. The board of directors also may appoint up to three administrators to oversee services provided by the joint CDJFS. Administrators are in the unclassified service.<sup>26</sup>

The board of directors may acquire, by purchase or lease, real property, equipment, and systems to improve, maintain, or operate family service programs within the territory served by the joint CDJFS. A board of county commissioners may acquire, within its county, real property or any estate, interest, or right therein, by appropriation or any other method, for use by the joint CDJFS in connection with its provision of services. Appropriation proceedings must be conducted under property appropriation laws unchanged by the bill (R.C. Chapter 163.).<sup>27</sup>

A board of county commissioners that formed a joint CDJFS may contribute lands or rights or interests therein, money, other personal property or rights or interests therein, or services to the joint CDJFS. The board of county commissioners may issue bonds or bond anticipation notes of the county to pay the cost of acquiring real property and of constructing, modifying, or upgrading a facility to house employees of the joint CDJFS. The board of directors may reimburse the county for the use of such a facility if it is required to do so under the agreement forming the joint CDJFS.<sup>28</sup>

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<sup>25</sup> R.C. 329.40(A) and (D).

<sup>26</sup> R.C. 329.40(C) and 329.41(A) and (B).

<sup>27</sup> R.C. 329.44(A).

<sup>28</sup> R.C. 329.44(B).

## **Employees**

Employees of a joint CDJFS must be appointed by the director of the joint CDJFS and are in the classified service. The employees must be considered county employees for the purposes of the Department of Administrative Services civil service law (R.C. Chapter 124.) and all other provisions of state law applicable to county employees. Instead of or in addition to appointing these employees, the board of directors may agree to use the employees of one or more of the counties that formed the joint CDJFS in the service of the joint CDJFS and to share in their compensation in any manner that may be agreed upon.

Notwithstanding any other state law, if an employee's separation from county service occurs in connection with a county joining or withdrawing from a joint CDJFS, the board of county commissioners that initially appointed the employee has no obligation to pay any compensation with respect to unused vacation or sick leave accrued to the credit of the employee if the employee accepts employment with the joint CDJFS or a withdrawing county (discussed below). At the effective time of separation from county service, the joint CDJFS or the withdrawing county, as the case may be, must assume such unused vacation and sick leave accrued to the employee's credit.<sup>29</sup>

## **Fiscal officer and treasurer**

The county auditor of the county with the largest population that formed a joint CDJFS must serve as the fiscal officer of the CDJFS, and the county treasurer of that county must serve as the treasurer of the CDJFS, unless the counties forming the joint CDJFS agree to appoint the county auditor and county treasurer of another county that formed the CDJFS. In either case, these county officers are required to perform any applicable duties for the joint CDJFS as each typically performs for the county of which the individual is an officer. The board of directors of the joint CDJFS may pay to that county any amount agreed upon by the board of directors and the board of county commissioners of that county to reimburse the county for the costs that are properly allocable to the service of its officers as fiscal officer and treasurer of the CDJFS.<sup>30</sup>

## **Prosecuting attorney**

The prosecuting attorney of the county with the largest population that formed a joint CDJFS must serve as the legal advisor of the board of directors of the joint CDJFS, unless the counties that formed the joint CDJFS agree to appoint the prosecuting attorney of another county that formed the joint CDJFS as legal advisor of the board. As

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<sup>29</sup> R.C. 329.41(C) and (D).

<sup>30</sup> R.C. 329.42.

reimbursement for this service, the board of directors may pay to the county of the prosecuting attorney who is the legal advisor of the board any amount agreed upon by the board of directors and the board of county commissioners of that county. The prosecuting attorney must provide such services to the board of directors as are required or authorized to be provided to other county boards.

If the board of directors of a joint CDJFS wishes to employ other legal counsel on an annual basis to serve as the board's legal advisor in place of the prosecuting attorney, the board may do so with the agreement of the prosecuting attorney. And if the board of directors of the joint CDJFS wishes to employ other legal counsel to represent or advise the board on a particular matter in place of the prosecuting attorney, the board may do so with the agreement of the prosecuting attorney. If the prosecuting attorney does not agree, the board of directors may apply to the court of common pleas of the county with the largest population that formed the joint CDJFS for authority to employ other legal counsel on an annual basis or for that particular matter.

The prosecuting attorney who is the legal advisor of the board of directors must be given notice of an application to employ other legal counsel on an annual basis to serve as the board's legal advisor, or an application to employ other legal counsel to represent or advise the board on a particular matter, in place of the prosecuting attorney, and must be afforded an opportunity to be heard. After the hearing, the court may authorize the board of directors to employ other legal counsel on an annual basis or for a particular matter only if it finds that the prosecuting attorney refuses or is unable to provide the legal services that the board requires. If the board of directors employs other legal counsel on an annual basis or for a particular matter, the board may not require the prosecuting attorney to provide legal advice, opinions, or other legal services during the period or to the extent that the board employs the other legal counsel.<sup>31</sup>

### **Withdrawal and dissolution**

A board of county commissioners that entered into an agreement to form a joint CDJFS may adopt a resolution requesting to withdraw from the agreement. The board of county commissioners must deliver a copy of the resolution to the board of directors of the joint CDJFS. The board of directors must deliver written notice of the requested withdrawal to the boards of county commissioners of the other county or counties that formed the joint CDJFS. Not later than 30 days after receiving the notice, each of those boards of county commissioners must adopt a resolution either accepting the

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<sup>31</sup> R.C. 329.43.

withdrawal or objecting to the withdrawal, and must deliver a copy of the resolution to the board of directors.

If any of the boards of county commissioners that formed a joint CDJFS adopts a resolution objecting to the requested withdrawal, the board of directors must deliver written notice of the objection to each other board of county commissioners of the counties that formed the joint CDJFS, including the board of county commissioners of the county proposing withdrawal. Not later than 30 days after sending the notice, the board of directors must hold a meeting to discuss the objection. After the meeting, the board of directors must determine whether the county requesting withdrawal desires to proceed with the withdrawal and, if the county does, the board of directors is required to accept the withdrawal. Not later than 30 days after the determination was made, the board of directors must deliver written notice of the withdrawal to the boards of county commissioners that formed the joint CDJFS and to the board of county commissioners that requested withdrawal, and commence the withdrawal process.

If all of the boards of county commissioners that formed a joint CDJFS, except for the board of county commissioners requesting the withdrawal, each adopt a resolution accepting the withdrawal, the board of directors must declare the withdrawal to be accepted. Not later than 30 days after the declaration, the board of directors must deliver written notice of the withdrawal to all of the boards of county commissioners that formed the joint CDJFS, including the board of county commissioners of the county requesting withdrawal, and commence the withdrawal process.

If a county requesting to withdraw decides to remain as a party to the agreement establishing a joint CDJFS, the board of county commissioners of that county must rescind its original resolution requesting withdrawal and must deliver a copy of the rescission to the board of directors of the joint CDJFS not later than 30 days after adopting the rescission.

If a county ultimately withdraws from an agreement, the board of directors must ascertain, apportion, and order a division of the funds on hand, credits, and real and personal property of the joint CDJFS, either in money or in kind, on an equitable basis between the joint CDJFS and the withdrawing county according to the agreement forming the joint CDJFS and consistent with any prior contributions of the withdrawing county to the CDJFS. Any debt incurred individually remains the responsibility of that county, unless otherwise specified in the agreement.

The board of directors is required to give notice to ODJFS of the withdrawal of a county at least 90 days before the withdrawal becomes final. The ODJFS Director must adopt, as an internal management rule, the form in which the notice must be given. The withdrawal becomes final not earlier than the first day of the calendar quarter following

the 90-day notice period. On and after that day, the withdrawing county ceases to be a part of the joint CDJFS, and its members of the board of directors cease to be members of that board.

If the withdrawal of one or more counties would leave only one county participating in a joint CDJFS, the board of directors must ascertain, apportion, and order a final division of the funds on hand, credits, and real and personal property of the joint CDJFS. On and after the day on which the latest withdrawal of a county becomes final, the joint CDJFS is dissolved. When a joint CDJFS is dissolved and any indebtedness remains unpaid, the boards of county commissioners that formed the joint CDJFS must pay the indebtedness of the joint CDJFS in the amounts established by the agreement at the time the indebtedness was incurred.<sup>32</sup>

### **Removal of a county**

A board of county commissioners that formed a joint CDJFS, by adopting a resolution, may propose the removal of another county that formed the joint CDJFS. The board of county commissioners must send a copy of the resolution to the board of directors of the joint CDJFS. Not later than ten days after receiving the copy of the resolution, the board of directors must send a copy of the resolution to each board of county commissioners that formed the joint CDJFS, except the board of county commissioners proposing removal. Not later than 30 days after sending a copy of the resolution, the board of directors must hold a hearing at which any county commissioner whose county formed the joint CDJFS may present arguments for or against the removal. At the hearing, approval or disapproval of the removal must be determined by a two-thirds vote of the county commissioners of the counties that formed the joint CDJFS, with the exception of the county commissioners of the county proposed for removal.

In addition, the board of directors of a joint CDJFS, by adopting a resolution by a majority vote of the members of the board, may propose removal of a county that formed the joint CDJFS. Not later than ten days after adopting the resolution, the board of directors must send a copy of the resolution to the board of county commissioners of each county that formed the joint CDJFS, including the board of county commissioners of the county proposed for removal. Not later than 30 days after sending the copy of the resolution, the board of directors must hold a hearing at which any member of the board may present arguments for or against the removal. At this hearing, approval or disapproval of the resolution proposing removal must be determined by a two-thirds

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<sup>32</sup> R.C. 329.45.

vote of the members of the board of directors, with the exception of the board members who represent the county proposed for removal.

If removal of a county is approved, the board of directors must give written notice of the approval to ODJFS at least 90 days before the removal takes effect. The ODJFS Director must adopt, as an internal management rule, the form in which the notice must be given. Removal of a county takes effect not earlier than the first day of the calendar quarter following the 90-day notice period. If, at any time, the county proposed for removal notifies the board of directors, by a majority vote of that county's board of county commissioners, that it chooses to withdraw from the joint CDJFS, the withdrawal procedure established by the bill must be put immediately into motion.<sup>33</sup>

### **Workforce development agency**

A board of county commissioners may designate the joint CDJFS as the workforce development agency that must provide workforce development activities for the county.<sup>34</sup>

### **Health insurance coverage for county officers and employees**

The bill eliminates a provision that prohibits boards of county commissioners from contracting for or purchasing group health insurance, policies, or benefits under their general authority to do so,<sup>35</sup> once the Department of Administrative Services implements for counties health care insurance plans that include or address those benefits and that contain best practices.<sup>36</sup>

### **County auditor serving as fiscal officer**

The bill authorizes a county auditor, if authorized by a resolution of the board of county commissioners, to serve as the fiscal officer of any department, office, or agency of the county.<sup>37</sup>

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<sup>33</sup> R.C. 329.46.

<sup>34</sup> R.C. 330.04.

<sup>35</sup> R.C. 305.171.

<sup>36</sup> Under R.C. 9.901, as amended by the biennial operating budget, Am. Sub. H.B. 153 of the 129th General Assembly.

<sup>37</sup> R.C. 319.09.

## Sharing of county weights and measures inspectors

The county auditor is the county sealer of weights and measures and, as the county sealer, must appoint inspectors to compare weights and measures used in the county or that are brought to the county sealer's office for that purpose. The bill authorizes the county sealer to share the services of a weights and measures inspector with another county sealer, so long as the inspector remains a part-time employee of each county by whom the inspector is employed. If the inspector becomes a full-time employee of one county, the inspector's employment with the other county is to be terminated.

The bill also authorizes the county sealer, in lieu of appointing or sharing an inspector, to enter into a contract with a private person to employ the person to perform the same services that an appointed inspector would perform. Each private person employed must meet the training and continuing education requirements established by the Director of Agriculture for weights and measures inspector personnel.

Under continuing law, appointed inspectors receive a salary fixed by the county sealer. The bill requires that private persons employed by the county sealer as weights and measures inspectors are to receive the compensation specified in the employment contract.<sup>38</sup>

## Fiscal distress financial plan requirements

The Auditor of State may place a municipal corporation, county, township, and school district under a fiscal watch when certain conditions exist, such as when accounts are unpaid or overdue, or there are operating deficits. If more dire circumstances exist, such as defaults on debt obligations, the Auditor of State may determine that a fiscal emergency exists. In either case, the municipal corporation, county, township, or school district must submit a financial plan to the Auditor of State. The financial plan must identify actions to be taken to eliminate the fiscal watch or fiscal emergency conditions.

The bill requires a municipal corporation, county, township, or school district under a fiscal watch or fiscal emergency, when identifying in its financial plan actions to be taken, to include any actions to be taken to enter into shared services agreements with other political subdivisions, if so authorized by statute, for the joint exercise of any power, performance of any function, or rendering of any service. Continuing law allows some political subdivisions, when authorized by their respective legislative authorities, to enter into agreements with other political subdivisions for the

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<sup>38</sup> R.C. 319.59.

performance of services. One example of this is found in R.C. 9.482, which allows a contracting political subdivision, under an agreement, to exercise any power, perform any function, or render any service for another contracting recipient political subdivision.<sup>39</sup>

### **STD testing for a person charged with a sexual offense**

Under existing law, if a person is charged with rape, sexual battery, unlawful sexual conduct with a minor, soliciting, loitering to engage in solicitation, or prostitution, or a substantially equivalent municipal ordinance, the arresting authorities or a court, upon the request of the victim or the prosecutor, must cause the accused person to submit to one or more tests to determine if the accused is suffering from a venereal disease. The bill requires the arresting authorities or a court, upon such a request, to cause the accused in any such case to submit to testing for venereal disease not later than 48 hours after the date on which the complaint, information, or indictment is filed against the accused.<sup>40</sup>

### **Allocation of funds from the Legal Aid Fund**

The bill amends current law that governs the Ohio Legal Assistance Foundation's allocation of financial assistance from the Ohio Legal Aid Fund to legal aid societies. Under continuing law, the part of the money that is apportioned among counties served by eligible legal aid societies that have applied for financial assistance and that is allocated to those eligible legal aid societies that have applied for financial assistance is based on the ratio of the number of indigents who reside in a county to the total number of indigents who reside in all counties served by eligible legal aid societies that have applied for financial assistance. The bill amends the source of data used to identify the number of indigent persons who reside in a county. Under current law, the source of data is the most recent decennial census figures from the United States Department of Commerce, Division of Census Bureau. The bill instead requires the Ohio Legal Assistance Foundation to select the source of data from the best available figures maintained by the United States Census Bureau.<sup>41</sup>

### **County payments to the Workers' Compensation Public Insurance Fund**

The bill permits the legislative body of any county, district, district activity, or institution to engage in cost allocation for all required Workers' Compensation Program

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<sup>39</sup> R.C. 118.023, 118.06, 3316.04, and 3316.06.

<sup>40</sup> R.C. 2907.27.

<sup>41</sup> R.C. 120.53.

payments to the Public Insurance Fund. These workers' compensation payments include:

- All payments required by any Bureau of Workers' Compensation rating plan (premium contributions);
- Direct administrative costs incurred in the management of the county, district, district activity, or institution's Workers' Compensation Program;
- Indirect costs that are necessary and reasonable for the proper and efficient administration of the Workers' Compensation Program as documented in a cost allocation plan.

The required cost allocation plan for indirect costs must conform to the document entitled "*Cost Principles for State and Local Governments*," which is a publication of the United States Office of Management and Budget. The plan cannot authorize payment from the Public Insurance Fund of any general government expense not associated with the administration of workers' compensation.

Under current law, the legislative body of a county, district, district activity, or institution could only cost allocate for premium contributions to the Public Insurance Fund.<sup>42</sup>

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## HISTORY

ACTION	DATE
Introduced	04-12-12

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<sup>42</sup> R.C. 4123.41.